THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.5666 of 2006

Dated: 4th September, 2006

Between:

P.V.S.S. Raju. **…..PETITIONER**

AND

The APSRTC rep by its Regional Manager,
Krishna Region, at Vijayawada,
Krishna District & 2 others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.5666 of 2006

ORDER:

This writ petition is filed questioning the action of the 3rd respondent/Secretary SRBS, APSRTC, Musheerabad in issuing proceedings dated 16-2-2006 in No.F1/HBA(2830)/2001 seeking recovery of Rs.581/- per month towards the amount due payable by the loanee Sri K.M.Reddy from the salary of the petitioner for having stood as surety.

The petitioner stood as surety along with another to one Sri K.M.Reddy who obtained H.B.A Loan of Rs.35,500/- from the 3rd respondent in the year 1993 for purchase of house site. The said K.M.Reddy was removed from service in the year 1996 and the other surety by name Sri M.Lazar is no more. It is his grievance that the 3rd respondent has recovered an amount of Rs.40,000/- from him and Rs.20,000/- from Sri K.M.Reddy and that he paid more than the loan amount. It is his further grievance that the
the amounts can be recovered from the terminal benefits of the loanee Sri K.M.Reddy.

Heard the learned counsel for the petitioner as also the learned

counsel for the respondents.

It is seen from the record that Sri K.M.Reddy obtained HBA loan of Rs.35,500/- from the 3rd respondent/Corporation on 17-10-1994 and failed to pay the EMI's from June, 1996 onwards. Admittedly, the petitioner is a surety to the said transaction and he cannot eschew his liability as a surety, and that being so, the action of the 3rd respondent in initiating steps to recover the due amount from the salary of the petitioner cannot be found fault, more so, when it is the stand of the respondents that they have already initiated steps to recover from the terminal benefits of the loanee Sri K.M.Reddy and the amount so recovered will be adjusted towards the amount recovered from the petitioner.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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(N.V. RAMANA, J.)

Date:04th September, 2006.

GRK